



1A7R26PCT/PTO 17 MAR 2006

## FEE TRANSMITTAL

		Application Number: 10/534,210																																																	
		Filing Date: May 6, 2005																																																	
		First Named Inventor: Jose A Salas, et al.																																																	
		Title: Borrelidin-Producing Polyketide Synthase and its Use																																																	
Total Amt of Payment (1) + (2) + (3) = 0	Attorney Docket Number: 4408-P03626US00																																																		
<b>METHOD OF PAYMENT (check one)</b>																																																			
<input checked="" type="checkbox"/> Authorization is hereby granted to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 04-1406. <input checked="" type="checkbox"/> Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims. <input checked="" type="checkbox"/> Any patent application processing fees under 37 C.F.R. §1.17 Any extensions of time that are required to maintain this application in a pending status, if not included herewith, are hereby requested. Authorization is hereby granted to charge such extension fees to Deposit Account No. 04-1406. Two copies of this transmittal are enclosed for accounting purposes. <input checked="" type="checkbox"/> Payment enclosed: \$ <u>0.00</u>																																																			
<b>FEE CALCULATION</b> 1. BASIC FILING, SEARCH AND EXAM. FEES																																																			
<table border="1"> <thead> <tr> <th>Filing</th> <th>Search</th> <th>Exam</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td></td> <td></td> <td>0</td> </tr> <tr> <td>Design</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Plant</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Reissue</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>SUBTOTAL (1)</b></td> <td>\$0</td> </tr> </tbody> </table>			Filing	Search	Exam	Fee	Utility			0	Design				Plant				Reissue				<b>SUBTOTAL (1)</b>			\$0																									
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Submitted By: <u>Robert C. Netter, Jr., Ph.D.</u>		Reg. Number <u>56,422</u>	Deposit Account User ID																																																
Signature <u>Robert C. Netter, Jr.</u>		Date <u>March 15, 2006</u>	<u>04-1406</u>																																																

Submitted By: Robert C. Netter, Jr., Ph.D.

Reg. Number 56,422

Deposit Account User ID

Signature Robert C. Netter, Jr.

Date March 15, 2006

04-1406



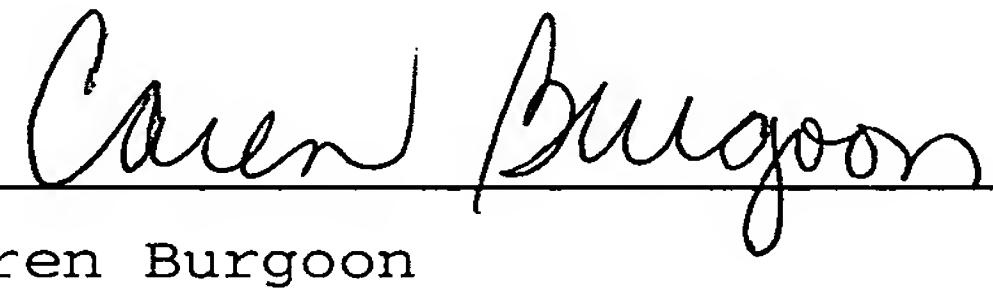
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of )  
Jose A. Salas, et al. ) Attny ref: 4408-P03626US00  
Serial No. 10/534,210 )  
Filed: May 6, 2005 )  
For: "BORRELIDIN-PRODUCING )  
POLYKETIDE SYNTHASE AND ITS )  
USE" )

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**Certificate of Mailing Under 37 C.F.R. §1.8(a):**

I hereby certify that this correspondence is being deposited on March 15, 2006 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Caren Burgoon

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

**UNDER 37 U.S.C. §371**

In response to the Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US) dated February 8, 2006, Applicants submit herewith a computer-readable copy of the sequence listing.

Applicants believe this submission of a sequence listing in computer readable form complies with the requirements under 37 C.F.R. §§1.821-1.825. Applicants respectfully request entry of the sequence listing into the above identified patent application. The undersigned hereby verifies that the computer readable form of the sequence listing is identical to the paper copy of the sequence listing submitted on May 6, 2005 and does not contain any new matter.

The February 8, 2006 Notice of Missing Requirements also indicates that additional fees in the amount of \$100.00 are due for additional claims. Specifically, it is alleged that there are 6 independent claims, i.e., 3 extra independent

claims. Applicants note, however, that the preliminary amendment submitted May 6, 2005 with the instant application contains 81 claims of which only 5 are independent, namely claims 1, 29, 50, 74, and 75. Applicants submit that the Transmittal letter clearly indicates that the requisite claims fees for 81 total claims and 5 independent claims were paid concurrently with the filing of the application and preliminary amendment. Accordingly, Applicants do not believe any further fees are due.

Further, the February 8, 2006 Notice of Missing Requirements states that a declaration signed by the inventors is required. However, Applicants respectfully submit that 10 pages of declaration were submitted with the instant application on May 6, 2005. Indeed, a review of the Patent Application Information Retrieval (PAIR) system reveals that these declarations were received by the PTO with the instant application on May 6, 2005. Each inventor has signed a Form PCT/RO/101 declaration sheet which indicates the parent PCT application number, the inventor's name, and the inventor's citizenship. As such, Applicants believe the previously submitted declarations comply with the requirements set forth in 37 CFR 1.497(a) and (b).

In the event that a fee is required in connection with this submission and not enclosed, the Commissioner is authorized to charge the account of the undersigned, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

Early and favorable consideration leading to prompt issuance of this application is earnestly solicited.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN  
A Professional Corporation

By   
Robert C. Netter, Jr., Ph.D.  
PTO Registration No. 56,422



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,210	Jose A Salas	4408-P03626US00

INTERNATIONAL APPLICATION NO.

PCT/GB03/05704

I.A. FILING DATE	PRIORITY DATE
	12/24/2003

110  
 DANN, DORFMAN, HERRELL & SKILLMAN  
 1601 MARKET STREET  
 SUITE 2400  
 PHILADELPHIA, PA 19103-2307

**CONFIRMATION NO. 9982**

**371 FORMALITIES LETTER**



\*OC000000017947003\*

Date Mailed: 02/08/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/06/2005
- Copy of the International Search Report filed on 05/06/2005
- Preliminary Amendments filed on 05/06/2005
- Biochemical Sequence Listing filed on 05/06/2005
- U.S. Basic National Fees filed on 05/06/2005
- Priority Documents filed on 05/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$100 for a Small Entity:

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and,

where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is \$ 100
  - \$100 for 3 independent claims over 3.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

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Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,210	PCT/GB03/05704	4408-P03626US00